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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the combined seventh and eighth periodic reports of Viet Nam

Addendum

Information provided by Viet Nam in follow-up to the concluding observations*

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Note: The present document is being circulated in English, French and Spanish only.

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1. Following up with the combined 7th and 8th reports on the implementation of the Convention on the elimination of all forms of discrimination against women (CEDAW) in Viet Nam, 2004–2010 and the updated report of the combined 7th and 8th reports, 2011–2014, requested by the CEDAW Committee at paragraph 49 in the observation conclusions on the combined 7th and 8th reports of Viet Nam, Viet Nam has developed the updated report on the implementation of the CEDAW, 2015–2017, as follows:

Measures implemented pertaining to item a, item b and item d of Recommendation No. 19

Item a of Recommendation No. 19[1]

2. On November 27th 2015, the National Assembly of the Socialist Republic of Viet Nam adopted the Penal Code No. 100/2015/QH13 and the Criminal Procedure Code No. 101/2015/QH13. On June 20th 2017, the National Assembly continued to adopt the Law No. 12/2017/QH14 amending and supplementing a number of articles of the Penal Code No. 100/2015/QH13.

3. The Penal Code provides for a number of offenses relating to violence against women, specifically: Article 134 provides for intentional injury or harm to the health of another person; Article 141 provides for rape; Article 143 provides for forced sex; Article 150 provides for human trafficking; Article 155 provides for humiliation of other people; Article 181 provides for the coercion of marriage, separation or hindering voluntary marriage, hindering voluntary divorce; Article 182 provides for the violation of the monogamy; Article 183 provides for child marriage; Article 185 provides for the mistreatment of grandparents, parents, spouses, children, grandchildren and one's up-bringers.

4. Human trafficking crimes, including the trafficking of persons under 16 years old, have been amended and supplemented to ensure compliance with the provisions of the United Nations Convention on Transnational Organized Crime (TOC) and Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially in women and children, supplementing to the TOC. For those crimes of rapes and sexual assault, the Penal Code 2015 has been amended and supplemented to include a broader group of criminal behaviours including sexual intercourse and other sexual behaviours to ensure thorough handling of this type of crime.

5. The Criminal Procedure Code does not directly provide for the crime of violence against women, but only regulates the order and procedures for receiving and dealing with information source related to criminal offenses, prosecutions, investigations and prosecutions, judgements, and some criminal procedures; tasks, powers and relationships among the competent authorities involved in prosecution procedures; tasks, powers and responsibilities of competent persons to conduct legal proceedings; rights and obligations of relevant participants, agencies, organizations and individuals; international cooperation in criminal procedures. In cases where victims are girls, special procedures prescribed in Chapter XXXVIII of the Criminal Procedure Code shall be applied.

[1] Recommendation 19, item a: Revising the Penal Code and the Criminal Procedure Code and criminalizing all forms of violence against women, including marital rape, dating violence, violence in public places and sexual harassment.

Item b of Recommendation No. 19[2]

6. On the 22nd July 2016, the Government approved Decision No. 1464/QD-TTg introducing the Project on Prevention and Control of Gender-based Violence for 2016–2020, with a vision to 2030. The Project was issued with the following specific contents:

- Objectives: Effectively implement practices to prevent and control gender-based violence. Victim and high-risk victims of gender-based violence are identified, and provided with timely support and intervention in order to prevent violence and create opportunities for them to improve the quality of living and working environment. Aim to reach the following targets by 2020:
  - Raising awareness, enhancing capabilities and responsibilities of authorities at all levels, and relevant organizations and communities in preventing and addressing gender-based violence; focusing on high-risk perpetrators and/or victims of gender-based violence;
  - 100% of identified victims of gender-based violence receive timely support and intervention;
  - 50% of identified perpetrators of gender-based violence receive timely counselling or correction.

7. Vision to 2030: enhance the mechanism and policies on prevention and control of gender-based violence in order to strengthen law enforcement, and ensure the consistent deployment of the services system on preventing and controlling gender-based violence at the national level; aiming at creating a safe, fair and non-violent environment.

- The Project focuses on 5 following groups of main tasks and solutions:
  - Raising awareness of authorities at all levels and citizens about the laws and policies regarding to prevention and control of gender-based violence, gender discrimination and consequences of gender-based violence on the sustainable development of the society;
  - Enhancing capacity and responsibility of the state management agencies to prevent and respond to gender-based violence;
  - Taking necessary actions to prevent gender-based violence;
  - Delivering support and intervention services and models to prevent and minimize gender-based violence;
  - Strengthening international cooperation to mobilize resources, enhance experience sharing with other countries and international organizations in the implementation of the Project.
- Resources for implementation of the Project:
  - Funds for implementation of the Project shall be allocated from the state budget (development investment and non-business fund) in the annual budget estimates of the ministries and agencies from the central and local levels, the target program to develop the social assistance system for

[2] Recommendation no. 19 (b): Develop, as a matter of priority, a National Action Plan to prevent and respond to all forms of violence against women, and allocate sufficient human, technical and financial resources for its effective implementation.

2016–2020 in accordance with the State budget Law; international aid and assistance, and fund mobilized from the communities and other legal sources;

- Human and technical resources: The Ministry of Labour, Invalids and Social Affairs is assigned by the Prime Minister to develop plans for the implementation and coordination of the Project activities, and guidance to other ministries, the relevant agencies and the People's Committees of the provinces and centrally-run cities in steering the implementation of the Project, and implementing a number of specific contents assigned in the Project. At the same time, the relevant ministries and agencies as well as the People's Committees of the provinces and centrally-run cities shall implement the Project in accordance with the functions, tasks and contents assigned in the Project. At present, in order to implement the tasks assigned by the Prime Minister in the project, the Ministry of Labour, Invalids and Social Affairs has issued the project implementation plan the central and local authorities.

8. In addition, on 6th February 2014, the Prime Minister issued Decision No. 215/QD-TTg approving the National Action Plan on Domestic Violence Prevention and Control up to 2020.

- Overall objective of the Action Plan: create a substantial change in awareness, and raise the responsibility of authorities at all levels, as well as sectors, families, communities and the whole society in the prevention and control of domestic violence; prevent and reduce the number of nationwide domestic violence cases step-by-step;
- Main activities and solutions of the program:
  - Leadership, direction, organization and management:

    Strengthen the leadership, direction and inspection of the Party committees and authorities in the prevention and control of domestic violence.

    Improve the capacity of state management agencies, and perfect the system of policies and laws on domestic violence prevention and control. Study and propose the amendments and supplements to the Law on Domestic Violence Prevention and Control, the Penal Code, the Criminal Procedure Code and the law related to the prevention and control of domestic violence. Strengthen the organizational structure, enhance the capacity of staff working in the prevention and control of domestic violence at all levels. Regularly check and evaluate the implementation of laws and policies on domestic violence prevention and control; timely handle domestic violence acts according to the provisions of laws; organize inter-branch inspection missions and specialized examination on domestic violence prevention and control. Incorporate the goal of preventing and combating domestic violence in the annual socioeconomic development plan at central and local levels. Develop and implement appropriate interdisciplinary coordination mechanisms in the prevention and control of domestic violence. Study the possibility of establishing a network of collaborators and volunteers for the prevention and fight against domestic violence at grassroots level. Evaluate models of domestic violence prevention and control. Consider converting effective models into regular practices. Commend individuals and collectives who have

outstanding achievements in the prevention and control of domestic violence. Establish and use databases on family study and domestic violence prevention and control. Conduct the preliminary review on the implementation of the program by 2015 and the final review by 2020.

- Communication, education and awareness raising regarding prevention and control of domestic violence:

  Organise yearly campaigns and communication events to raise awareness regarding domestic violence. Establish and operate the anti-domestic violence website and news. Organise communication activities at households and local communities to raise awareness of the anti-domestic violence movement. Research and establish anti-domestic violence programs, columns, reportages, documentaries, theatre scripts, and television series. Pay attention to communication, education and advocacy on morality, civilized lifestyle in families, responsibilities of family members in realising gender equality and prevention and fighting against domestic violence. Consider including anti-domestic violence contents in family study, and sociology education programs.

- Prevention of domestic violence and support for victims:

  Conducting researches, establish national anti-domestic violence network, networks of anti-domestic violence supporters and volunteers in local communities. Maintain and develop the mailbox and hotline as means to receive information about domestic violence, and reliable addresses in localities. Provide legal consulting services and aids, as well as healthcare consulting services for victims. Local public clinics in communes, wards and towns provide primary care and healthcare consultancy for victims; depending on own capacity and actual conditions, arrange shelter for victims of domestic violence within no more than one day at their request.

  Replicating the models to effectively prevent and control domestic violence in the community. Research and develop services models to support domestic violence victims and high-risk perpetrators of domestic violence; mental health crisis prevention and control model for high-risk perpetrators of domestic violence. Push vocational training and job placement for unemployed victims of domestic violence and high-risk perpetrators of domestic violence.

- Intervention and handling of violations:

  Conducting prompt intervention and handling of domestic violence cases. Providing comments and criticisms to domestic violence perpetrators in the community; implement education measures for perpetrators of domestic violence at the commune, ward or town. Pilot trial cases of domestic violence in the local area where the incident occurred.

- Mobilizing social resources:

  Encourage sociopolitical organizations, social organizations, communities, families and people to participate in the prevention and control of domestic violence; and provide support services for victims of domestic violence. Study the establishment of a Supporting Fund for Victims of Domestic Violence.

- Scientific researches and international cooperation:

Conduct scientific research on domestic violence prevention and control. Strengthening international cooperation to mobilize resources, and share experience on prevention and control of domestic violence.

- Expenditures for implementing the program:

Funds for implementation of the Program shall be allocated from the state budget according to the State Budget Law, as well as from other funds, aid, and other sources (if available). Ministries, central and local agencies shall draw estimates of the annual budget expenditure, and submit them to the competent agencies based on the assigned tasks in the program.

Item d of Recommendation 19[3]

9. The 2007 Law on Domestic Violence Prevention and Control has one section (Section 2) on reconciliation of conflicts and disputes among family members. It is stipulated that the family and the family lines are responsible for reconciliation of conflicts, and disputes between family members. At the request of family members, agencies or organizations shall have the responsibility to reconcile conflicts and disputes between persons of their agencies and organizations and the corresponding family members, and in case of necessity, shall coordinate with local agencies and organizations in conducting the reconciliation. The reconciliation team at grassroots level shall conduct reconciliation of conflicts and disputes among family members according to the Law on reconciliation at grassroots level. The People's Committees at the commune, ward and town-level are responsible for coordinating with the Vietnamese Fatherland Front Committees of the same level and their member organizations in guiding, and facilitating grassroots reconciliation organizations in conducting reconciliation of conflicts and disputes among family members.

10. Law on Domestic Violence Prevention and Control in 2007 stipulates that in case of domestic violence, victims have the following rights:

"a) To request competent agencies, organizations and persons to protect their health, life, dignity, as well as other legitimate rights and interests;

b) To request competent agencies or persons to apply preventive and/or protection measures to prohibit contact according to the provisions of this Law;

c) To be provided with medical and/or psychological counselling services;

d) To be provided with shelter, and to benefit from confidentiality of information on their shelter and other issues in accordance with the provisions of this Law;

e) Other rights as prescribed by law."

(Clause 1, Article 5, Law on Domestic Violence Prevention and Control).

11. Victims of domestic violence, or other persons who detect domestic violence, must promptly report to the nearest police office, or People's Committee at the local commune, or head of the community where the violence occurred. Public security agencies, commune-level People's Committees or heads of local communities, when detecting or receiving information on domestic violence, shall promptly handle the case or request competent agencies or persons to handle it; ensure confidentiality of personal records and, in case of necessity, apply measures to protect the persons who

[3] Recommendation No. 19 (d): Review the use of reconciliation and ensure that women who are victims of domestic violence have effective access to protection orders and legal remedies.

detect and report domestic violence (Article 18 of the Law on Domestic Violence Prevention and Control).

12. In all cases, prevention and protection measures shall be promptly applied to protect victims of domestic violence, put an end to domestic violence and minimize the consequences of violent acts. These include:

- Immediate termination of acts of domestic violence;
- Provision of first-aid for domestic violence victims;
- Preventive measures on perpetrators of domestic violence according to the Law on handling of administrative violations or the Law on criminal procedure;
- Prohibition of the perpetrator from approaching the victim, and from committing acts of violence to the victim via telephone, or any other means of communication.

13. In order to protect victims of violence, especially domestic violence, localities in Viet Nam have introduced multiple models to prevent domestic violence such as "Domestic Violence Prevention" Club, and models such as "Emergency Intervention", "Shelter", "Reliable Address", and "Consulting, Communication".

14. The Prime Minister proclaimed June as National Action Month on Domestic Violence Prevention and Control,[4] via which launched the domestic violence prevention and control movement.

15. In addition, in order to ensure that women, especially those suffering from violence and discrimination, can receive legal assistance in a timely manner, the Law on Legal Aid 2017 stipulates that victims of domestic violence who suffer from financial hardship are entitled to legal assistance.

Implemented measures pertaining to point b of Recommendation No. 23[5]

16. Article 8 of Law on Election of National Assembly deputies and People's Councils sets the target that at least 35% of the officially listed candidates for the National Assembly and People's Councils shall be women. The Law took effect in 2015; immediately afterwards, the proportion of female candidates after the third round of the 2016–2021 legislature was assessed as highest compared to the recent legislatures, at 38.79%.[6]

17. However, results of the deputies election to the 14th National Assembly and the People's Councils at all levels for 2016–2021 are still far from the plan set out in the National Strategy on Gender Equality for the period 2011–2020, as follows:

- The rate of female deputies elected to the National Assembly XIV is at 26.72%, which is 2.62% higher compared to the previous legislature.
- The rate of female deputies elected to the People's Councils for the 2016–2021 period is at 26.54% (increased by 1.37%) at the provincial level; 27.85%

[4] According to Decision no. 363/QD-TTg on 8 March 2016 of the Government.

[5] Recommendation No. 23 (b): Consider establishing a quota for female candidates higher than 35% for the election to the National Assembly and the People's Council for 2016–2021 with the aim of achieving the target of 35% for elected female deputies set in the National Strategy on Gender Equality (2011–2020).

[6] However, there are still 23 provinces which have the rate of National Assembly female deputies below 35%.

(increased by 3.23%) at the district level; and 26.59% (increased by 4.88%) at the commune level.

18. These results show that within this legislature, there was an increase in rate of female deputies elected to the National Assembly and the People's Council compared to the last three legislatures; additionally, this legislature marked an important milestone for Vietnam: for the first time, the National Assembly of Vietnam had a female president. However, the rate of female deputies increased by only around 2%. Besides the provinces with high proportion of National Assembly female deputies such as Bac Kan (66.67%), Bac Giang (62.5%) and Quang Ngai (57.14%), there are 3 provinces (Quang Nam, Tay Ninh, Thua Thien Hue) which do not have any female deputies in the National Assembly.